

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

Minor New Source Review
LSA Document #11-747

Overview

This rulemaking amends 326 IAC 2-7-10.5 and 326 IAC 2-8-11.1 concerning Indiana's air permitting regulations and minor new source review (NSR) requirements for Title V and Federally Enforceable State Operating Permit (FESOP) sources.

Affected Persons

This rulemaking affects Title V and FESOP sources.

Reasons for the Rule

On February 3, 1999, IDEM submitted amendments to U.S. EPA concerning Indiana's existing minor NSR SIP rules for approval into the state implementation plan (SIP). U.S. EPA identified several issues with Indiana's minor NSR rules concerning instances where preconstruction approval may be granted without the appropriate amount of public notice. IDEM is proposing to amend 326 IAC 2-7-10.5 and 326 IAC 2-8-11.1 to limit minor modifications to those that have a potential to emit regulated pollutants of less than 25 tons per year. This threshold is based on the threshold that was previously part of 326 IAC 2-1-1 before it was repealed in 1998 (LSA #98-95) and replaced with the provisions for Title V sources at 326 IAC 2-7-10.5 and for FESOP sources at 326 IAC 2-8-11.1. All modifications for which the potential to emit carbon monoxide (CO) is greater or equal to 25 tons per year will be processed as significant modifications. Also, the current language at 326 IAC 2-7-10.5(e)(3)(E) and 326 IAC 2-7-10.5(g)(3) for lead is inconsistent and IDEM is proposing to amend the threshold for lead in 326 IAC 2-7-10.5(e)(3)(E) to reflect the one ton per year threshold for major modifications that currently exists under 326 IAC 2-7-10.5(g)(3). Therefore, some modifications will no longer be processed under the minor modification procedures of 326 IAC 2-7-10.5(f) and will follow the major modification procedures under 326 IAC 2-7-10.5(h) where public notice is required.

IDEM is also proposing to modify the language at 326 IAC 2-7-10.5(k) and (m) to make it clear that source modifications for consent decree provisions must go through public notice provisions under 326 IAC 2-1.1-6 and be incorporated into the Title V permit using the administrative amendment procedures under 326 IAC 2-7-11. Consent decree provisions can be made permanent and federally enforceable through a construction permit due to an amendment to 326 IAC 2-7-10.5 in a recent rulemaking (LSA #09-493).

Economic Impact of the Rule

Some projects that would previously have been a minor source modification may now be considered a significant source modification which has a higher fee. Minor source modifications (Title V sources) and minor permit revisions (FESOP sources) have a fee of \$625; significant

source modifications (Title V sources) and significant permit revisions (FESOP sources) have a fee of \$4,375. In 2011, IDEM issued 26 Title V minor source modifications and 11 FESOP minor permit revisions. Also, some sources may not be able to construct or modify emission units in advance of receiving approval from the department to construct and operate per the modification.

Scheduled Hearings

First Public Hearing: May 8, 2013

Second Public Hearing: Tentatively scheduled for August 14, 2013

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Susan Bem, Rule Development Branch, Office of Legal Counsel, (317) 233-5697, (800) 451-6027 (in Indiana), or sbem@idem.in.gov.